## **CITY INSISTS ON SUIT AGAINST CLERK HAYES**

Declines His Proposition to Have Agreed Case Before Judge Garvin - Betterton Denounces Hayes.

The matter of funds owed the city of Chattanooga by Circuit Court Clerk Charles L. Hayes was again brought up at the regular meeting of the city commissioners Tuesday afternoon. Following an audit of the clerk's books by City Auditor Charles S. Petersen, Commissioner Betterton called to the eral weeks ago that the circuit court clerk had retained over \$4,000 in penalties and interest on delinquent city A motion was passed at that meeting calling for an audit of Mr. Hayes' books. The report of the audit was submitted at the meeting Tues-day. From the time that the audit was first begun until the time of the meeting the clerk had paid to the city something like \$2,000 on the amount alleged to have been due. This covered fines and costs col lected for the city and never remit Mr. Hayes admitted that this money should have been paid to the city, but said that it had been retained by him through error

Wants Garvin to Settle It. Mr. Hayes and his attorneys, W. B. Miller and T. W. Stanfield, were presthe meeting. A certified check for \$2,489.24 was presented by them and the proposition made that it be placed in a bank drawing interest and that the controversy be placed before Chancellor Garvin, his decision to be final and binding on all parties. This proposition was refused and Commissioner Betterton introduced a motion Mr. Hayes to pay over money that he owed at once and that refused for the city .torney to take such steps as were necessary to force the collection. The motion was seconded by Commissioner Bass and passed without a dissenting vote.

In defense of Mr. Hayes, his attorneys introduced a voluminous paper which was read to the board. It set out that Mr. Hayes' predecessors had retained the penalties and interest on delinquent tax collections and that of the opinion that he had a right to the same. It was set out that he had a contract with the county and state to the effect that he was to retain the interest and penalties on delinquent tax collections and that he was informed when he entered office that he was not to renew these contracts, as they were made with the circuit court clerk and not with his predecessor personally.

Commissioner Bass said that he seconded Commissioner Betterton's mo-tion not because he thought that "Charlie Hayes was crooked," but because he had introduced nothing to show that he had a right to keep the penalties and interest on city taxes, even if he did have such an arrange ment with the county and state. said that he had not been furnished with a copy of the audit and that he had not formed his opinion, but that he knew that nothing was introduced that gave Mr. Hayes a right to rethese funds.

Betterton Denounces Hayes. ducing his motion, said that he was surprised that the attorneys for Mr. Hayes would have the "face to make such a proposition" as they had. He was especially victous in his denunof Mr. Hayes. He said that he had retained sums of money paid in on fines and costs and that he did not have a previous contract to fall back upon in explaining why these moneys had not been paid over. The main portion of his speech is

quoted as follows:

"Away with these public officials who handle public money as if they cannot tell the color of it from their

"If there wasn't something wrong with those books, why did Mr. Hayes get in such a hurry to explain when we mentioned them to him? Why was he so eager to pay that \$2,000? It is set out in his defense that other irregularities occurred in his books than those in his favor. Well, if any man was running a set of books for his own benefit he would not be fool enough not to try to cover up his

"I have been told by a county official that an auditor for the county made Mr. Hayes pay into the county treasury over \$29,000 that he had held out. My connection with this class has made me more bitter than ever against officials who flimflam the public out of its money.' "I say to you frankly that the city

have gotten a penny of this money if a straightforward au-ditor had not forced the payment." "I wish that something could convince me that those entries were Charley Hayes knew that

e did not have a contract with the I am convinced that every page clerk's books will bear a crim-

inal charge.' "Mr. Hayes has repeatedly collected taxes and appropriated the entire amount to his own use. One of these ollections was from his own fatherin-law. There can be no doubt but that he knew that he was not entitled to the entire amount of the

Auditor's Report. Auditor Petersen said that when he first called Mr. Hayes' attention to the large amounts put in the fee column on his books that he had ex-plained that they were there in er-ror. Later, Mr. Petersen said, the clerk explained that he was entitled to the fees by contract with the city. He said that he made a demand for ey and that Mr. Hayes requested that the matter be held in beyance until an investigation could made. According to the report, money should have been paid in to the city on the tenth day of the month following their collection.

Exhibit No. 1 of the auditor's report shows \$762.39 due the city for fines and costs collected by the clerk up to Sept. 20, 1917. Some of these col-

# CASTORIA

For Infants and Children In Use For Over 30 Years Always bears

lections date back to May, 1915. Exhibit No. 2, which was the basis of the controversy, shows that from the time that Mr. Hayes entered office, in September, 1910, to the time that Mr. Dickey was made collector, in November, 1913, that there was collected in taxes, penalties and in-terets \$2,489.25 that had never been

paid to the city. Exhibit No. 3 shows \$2,845,24 in taxes, interest and penalties collected and retained by the clerk during the time he has been in office. Some of the iters in the exhibit include the entire collections as well as the in-terest and penalties. It also includes an item of \$284.71 overpaid to the city, which had been given to the credit of the clerk. The balance of \$1,407.14 has already been paid to the city. Exhibit No. 4 shows a total of

\$1,241.93 paid to A. S. Dickey for tax collection and withheld from the city, 'though he had no power to do so. Exhibits Nos. 5 and 6 cover the transaction of the city with A. S. Dickey and will be covered in full in another report to be compiled later, Mr. Dickey, city officials say, admits that he is delinquent in his payments.

What action will be taken by the city in the matter is not known. The motion passed at the meeting in-structs the city attorney to take measto collect the money.

Hayes Followed Precedent.

view of showing that Mr. Hayes had acted in good faith in regard to the collections and had acted according to precedent, his attorneys intro-duced an agreement his predecessor, Mr. Howard, had with the state. This agreement set out that Mr. Howard vas to collect the state taxes and to retain the interest and penalties for himself. This agreement was made in March, 1904.

Documents were also introduced to show that the county court had made a similar agreement with Mr. Howard, following the one made by the state, and that the state agreement had been shown to insure authority for such action

Charles W. Hogan, formerly a clerk in the office of the circuit court clerk, made affidavit to the fact that to his knowledge Mr. Howard retained the penalties and interest in the matter of tax collections.

These points were brought out by the attorneys of Mr. Hayes to show that he was acting in good faith during the time that he was retaining these collections and that he was following the precedent of officers be-

## **CHARLES HAYES GIVES HIS SIDE**

The following statement has been given out by Charles Hayes concerning the city's claims for fees collected by him:

"Beginning with 1901, the records of the circuit court clerk's office show that penalties and interest collected on delinquent city taxes were retained by the clerk for extra work and serv-ice performed in their collection, in-dependent of the clerk's duties as prescribed by statute, and this contin-ued to September, 1919, when I as-sumed office.

"My predeces or, R. H. Howard, de-ceased, told me there was a contract between his office and the city to that effect. He also told me the office had a similar contract with the state, and likewise the county authorities, to compensate the office for extra services performed.

"Among the records of the office is Among the records of the office is a contract made in 1904 by Theo. F. King, comptroller, approved by Frank Dibrell, treasurer, and by Gov. James B. Frazier, whereby the clerk retained

"Among such records is a resolu-tion of the county court April, 1904, confirming a like contract as to county delinquent taxes with the clerk's

"When I was inducted, I was advised by Mr. Dibrell; state treasurer, and County Judge Seth M. Walker that the contracts above inured to my benefit ex-officio so long as I was the official incumbent. I made settlements accordingly of state and county revenues until A. S. Dickey was designated by County Judge Cummings as delinquent collector, and I received Judge Cummings' written authority accordingly, which I thereafter re-

Why Fees Accumulated. "The state back tax attorney took over the collection of delinquent state taxes some considerable my induction, and thereafter no further deduction of interest and penal ties was made by us on account of

ite taxes.
"Up to the time of the changes above. above, we uniformly followed the course of my predecessor and deducted interest and penalties in making setlements with state and county au-

"We followed the same course in making settlements with the city au-thorities up to about January, 1913, when A. S. Dickey was constituted the delinquent city collector under some arrangement between him, Mayor Thompson and City Attorney Frier-

"From that time to Sept. 5, 1913, we made no penalty and interest deduc-tions on city taxes, but paid them direct to City Treasurer J. M. Payne,

as our records show, "Our settlements with Mr. Payne were made quarterly, and Mr. Dickey desired to realize his compensation as the taxes were collected. I agreed to pay him his portion as they were colected, provided he gave written rection to Mr. Payne that I should withhold moneys coming to him. He thereupon gave Mr. Payne the following written direction:

Mr. J. M. Payne.

"Please pay to Charles L. Hayes any and all moneys on compensation now due to me or that may become due to me, as compensation for en-forcing the collection of felinquent city taxes.

"Sept. 5, 1913."

A. S. DICKEY.

"I then understood Mr. Dickey's portion was full interest and penalties and correspondingly deducted, in mak ing settlements with Mr. Payne there after, until Mayor Littleton's induction, when Mr. Dickey was succeeded another collector or collectors.
"The affidavit of Charles W. Horsn

is that he personally knows there was a contract between the city and the clerk's office of above nature, dating 1901. Beyond this, I have no positive Mr. Howard, Mr. Dibrell and Judge Walker are all dead, and I my be at some disadvantage in substantiating an express contract with the But I feel a long-continued city. course of conduct and settlements, supplemented by the extra service and expense my office has incurred in per-forming service wholly outside my datutory duties, justifies my c'alin, "I have offered to submit an agreed state of facts to the chancellor and abide his decision. And, meantime, to conditionally deposit \$2,439.25-in-

terest and penalty deductions to the time claimed-subject to any errors or

omissions either way subsequently de-

The recent reflections on my in tegrity will be dispelled in due time and will not influence me to surrende what I conceive my strong equities in the premises.

"Ja ', 1918." "C. L. HAYES.

"MAN OF HOUR" SURE TO BE BEST EVER

Waile some regret has been ex-pressed over the fact that Chattanooga is not being favored with New York productions of theatrical performance no theater is av dable, they will have an opportunity of witnessing at least one performance which will measure up to the standard of that expected of Nev York productions made up of a professional cast. It is none other than the production of "The Man of the Hour," which will be staged by Milton Nobles, with a cast made up of fourteen prominest people of Chattanoogs who were especially selected on account of their ability to prform the roles in the play. Rehearsals have been going on steadily at intervals of three times a week extending over a period of several weks, and if a person had dropped in at the Rialto on Wednesday morning when one of the final rehearsals was being held he would have gained the impression that the perior mance was that of professionals. In wact, those who have been fortunate enough to receive an invitation to witness a rehearsal and pass criti-

cism have been loud in their praise of the worl; and pronounce it above criticism. In fact, many have stated that the production is going to prove a big surprise to the citizens of Chattanooge when they witness the first performance, which will take place in the Rialto theater on the evening of Jan. 9, and which will be followed by a matinee the next afternoon, with another performance that night.

The interest in the performance on

the part of the men at Fort Oglethorpe and Chickamauga became so keen that became apparent that three formances scheduled for the Rialto would not be sufficient to accom-modate the citizens of Chattanooga the men of Fort Oglethorpe and Chickamauga: As a result arrange-ments have been made to secure the Civic Center theater for the evening of Friday, Jan. 11, at which time a per-formance will be given for the soldiers, the regular Civic theater prices prevailing. The tickets, which ween some few days ago are selling fast, and it is expected that a capacity house will be played at Civic Center as will be the case at the Rialto. Out of the 2,800 seats available at the Rialto, more than 2,000 have already been sold, leaving nearly 800 available for the general public. A reservation of seats will begin at the Rialto 9 a.m.

## **CONSTRUCTION OF** EFFECT OF COMMA

Chancellor Garvin Holds That the Punctuation Is Incorrect and Refuses Divorce.

The construction of a comma in the clause covering the grounds for descr-tion as it appears in Millikan & Vertrees' code of 1884 and in Shannon's code of 1896 was the basis of the dismissal of the divorce proceedings of W. E. Davis against his wife, Helen Huribut Davis, by Chancellor W. B. Garvin Wednesday morning. The divoice was asked for on the grounds of sertion, and Chancellor Garvin, in his opinion rendered to George Lancaster, counsel for the plaintiff, sets out at length his reason for the dismissal of the proceedings. The chancellor equotes the law, in his opinion

Willful and malicious desertion, or absence of either party without a rea-sonable cause for two whole years." In other words, under the above punctuation two causes for divorce are given--"wiifful desertion, and absence for two years without reasonable cause. The court points out, however, that the above statement of the statute as made in the above codes is incor-rect and that under the code of 1858 h ...mma follows the word "absence" making the statute mean that in either vent there must be absence of two whole years. Under this construction the chancellor refused

to grant the plaintiff a divorce, The divorce proceedings were filed some time ago and came as no suras it was known that differences were being had in the family.

The petition filed by the plaintfit charges that his wife, Helen Hurlbut Davis, had deserted him without just or reasonable cause and that he furnighed no cause for such action. The proceedings, which were exparts, were neard by Chancellor Garvin, who took hem under advisement. However, on Wednesday morning he handed down the above opinion to Mr. Lancaster. Mr. Davis is a well-known clubmar and capitalist, residing in New in the winter and on his farm in Georgia in the summer. Mrs. Davis was fermerly Miss Helen Hurlbut, of this city, and was before her marriage one of Chattanooga's leading society girls. The weeding was a climax of a bril-liant occial season of several years at was followed by a

Stomach Troubles.

If you have trouble with your stomach you should try Chamberlain's Tablets. So many have been restored to health by the use of these tablets and their cost is so little, 25 cents, that it is worth while to give them a trial.

#### COL. HOUSE SAYS RUSH TROOPS TO FRENCH FRONT (Continued From First Page.)

and compulsory control of foodstuffs in their countries.

The extent of the military effort to be aimed at by the United States was

clearly determined and an allied ad-visory board was created to advise such nation on allotments of ships so as to permit the American military The summary of "results accom-plished" is divided under diplomatic, naval, military, finance, shipping, war

### trade, war industries, and food. FORT OGLETHORPE LINE

Effective Thursday, Jan. 3, 1918, cars on the new line to Fort Ogle-thor, will be routed by way of Rossville Short Line to Forty-fifth street, thence to terminus.

Cars leave Seventh and Market streets ten minutes, thirty minutes and afty minutes after the hour. Chattaneoga Railway and Light

# BARONESS GRANTED WRIT OF HABEAS CORPUS BY SANFORD

Counsel for Noted Prisoner Goes to Knoxville to File Petition-Review of Arrest and Preliminary Trial and Life Story.

Judge E. T. Sanford has granted a hearing of the writ of habeas corpus in the case of the Baronhearing on the writ within twenty

A writ of habeas corpus was filed on Wednesday morning in Knoxville be-fore United States Judge E. T. Sanford for the release, permanently or on bond, of Baroness lone Zollner, held in the Hamilton county jail here within the Hamilton county jail here without bond on the charge of espionage.
The writ was filed by C. C. Abernathy,
attorney for the baroness, who left
Tuesday afternoon for Knoxville. Together with the writ was filed the brief
of the trial of the case, which was
heard here recently before Commissioner S. J. McAllester. The commissioner, upon the hearing of the case, remanded the baroness to jail without bond, holding that there was a reasonable cause for such action. commissioner also stated in handing down his opinion that if he were a juror sitting at the trial of the case his opinion might have been different. The opinion of the commissioner is contained in the writ, as well as the copy of the espionage act, for the violation of which the baroness is held. The writ as filed by Attorney Abernathy is as follows:

lation of which the baroness is held. The writ as filed by Attorney Abernathy is as follows:

PETITION FILED.

To the Hon. E. T. Sanford, Judge of the United States District Court for the Eastern Division of Tennessee:

Your petitioner, Mrs. Ione W. Zoliner, respectfully represents and shows unto your honor that she is illegally restrained of her liberty by N. P. Bush, sheriff of Hamilton county, Tennessee, and confined in the Hamilton county jail at Chattanooga, by virtue of a mittimus issued by S. J. McAllester, United States commissioner, charging your petitioner with esplonage, a copy of said mittimus being hereto attached.

The cause and pretense of your petitioner's restraint is an alleged violation of Section B of the revised statutes of the United States, as follows (quoting that part of the mittimus as filled in by the United States commissioner): "Unlawfully communicated document, writing, code book for use and injury of United States, collecting information regarding movement, numbers of armed forces of the United States useful enemy," reference hereby being made to the copy of said mittimus which is hereto attached.

The facts are that on or about the 5th day of Denember, 1917, your petitioner came to Chattanooga at the request of one Lieut, J. W. Spaulding, who had been a classmate of her son in the naval academy at Annapolis, Md., and for whom her sons and herself had formed quite an attachment, and he, seemingly, had formed quite an attachment for them.

Said Lieut, Spaulding failed at Annapolis and was given the privilege of resigning from the academy, and went to the hoarding house where your petitioner was boarding, and afterwards went to the hoarding house where your petitioner was boarding, and afterwards went to the home of petitioner which she had opened up at Annapolis and which she conducted as a private boarding house, At the time your petitioner was boarding house and took possession of same she found it in a very fitthy and uninhabitable condition of the said Lieut. Spaulding, whereup the United States commissioner seemed to base his opinion in holding your peti-tioner to the grand jury without bond. This affidavit is in the hands of the United States district attorney, and your petitioner cannot now produce the same, nor has she a copy of it.

petitioner cannot now produce the same, nor has she a copy of it.

When your petitioner arrived in Chattanooga she registered at the Hotel Patten as Baroness Ione Zollner, her name being written on the hotel register by Lieut. J. W. Spaulding. That the said Lieut. Spaulding visited your petitioner at the hotel every evening during her stay there, he registering and taking a room, and going back to the camp, to his duties, the following morning.

Arrest of Spaulding.

On or about the 13th day of December, 1917, the said Lieut. Spaulding was arrested in the room of your petitioner. The next day your petitioner discovered the fact that The Chattanooga News was about to publish an article in

The next day your petitioner discovered the fact that The Chattanooga News was about to publish an article in regard to the affair, on account of your petitioner's title of baroness. After this fact was communicated to your petitioner she immediately went to the editor of said paper, gave him her life's history and pleaded with him for the sake of her children, not to publish the same. She freely gave them the information that her husband, William Zollner, whom she does not now know is living or dead, was an officer in the Bavarian army. This was the first information that anyone in Chattanooga had of this fact, and had she desired she could have concealed the same. An article came out in the said paper, regardless of her plea to the editor, and she then concluded that it was due herself, her children and Lieut. Spaulding to make an explanation of the affair. That she then went to another hotel in Chattanooga, where she registered as W. Sutton, upon advice of coursel, owing to the fact that to register in her proper name after the newspaper. set, owing to the fact that to register in her proper name, after the newspaper article, would cause her great embarrassment and possibly cause her to be put out of the hotel. That some two days afterwards she was arrested by the United States marshal, at this hotel, and put under a rigid examination by him and his deputy. That she freely and voluntarily told them her life's history; and that they decided that she should give a \$500 bond until she could investigate further, which bond she readily gave. And the next morning she was taken gate further, which bond she readily gave. And the next morning she was taken before H. B. Caulkins, a justice of the peace for Hamilton county. Tennessee, where, without any proof, she was committed to jail without bond, and she stayed in jail until the 22d day of December, 1917, when she was given a hearing before United States Commissioner S. J. McAllester, who, in rendering his opinion, stated that, more than likely, if he was sitting as a juror his opinion would be different; further stating that the aforementioned affidavit in regard to the condition, etc., of the house aforementioned was a circumstance which looked suspicious and which he could not understand, and that he would have to hold her to the grand jury without bond.

American Citizen

Your petitioner respectfully shows unto your honor that she is an American-born citizen. That she has two children who are American-born, and one child who is English-born. That she has spent the greater portion of her life in the United States of America, and that her father was a naturalized citizen of the United States and had extensive business interests in New York City. That while abroad she met William Zollner, a Bavarian officer of the German government. That at that time the United States was friendly with the German government and all of its provinces. That she married the said William Zollner in April, 1919. To said union there was born one child, lone, said child being born in London. That on or about the 29th day of August, 1914, she and her husband and children sailed for America, arriving here on or about the 7th day of September, 1814, and that her husband. William Zollner, had been granted a passport by the British government, and that they came to the United States as passengers, first. to the United States as passengers, first tioner,

class. That a few weeks after their at-rival in New York City the said William Zollner, over the protest of your peti-tioner, left the United States and retioner, left the United States and returned to Germany. That your petitioner did not know on what boat or what day the said William Zollner left. That after he arrived in Germany he did communicate with your petitioner, only as a husband would with his wife, and that she communicated with him. This communication was carried on through a party in Holland, auggested, after his arrival, by the said William Zollner as the easiest way of communicating. This afl occurred before the United States government had declared war against the German government, and there was no intimation to ment, and there was no intimation to your petitioner by word or act that there would be any hostilities between the two governments.

Divorce From Zoliner.

Your petitioner further shows unto your honor that she has filed in the courts at Annapolis a petition for divorce from

honor that she has filed in the courts at Annapolis a petition for divorce from the said William Zollner, on account of his brutality and for the purpose of re-lieving her name of the ignominy of the same. That she has committed no viola-tion of any of the laws of the United States government, nor committed any crime against the government, nor of any state thereof. That she has not conspired with anyone to violate any of the laws state thereof. That she has not conspired with anyone to violate any of the laws of the United States, or of any state thereof. That she has not committed nor conspired with anyone to commit any crime whatever against the United States government or of any state thereof. That there was no proof before the said S. J. McAllester, United States commissioner, showing any overlast or attempt to company ov McAllester, United States commissioner, showing any overt act or attempt to commit any crime against the United States government, or that she had conspired with anyone else to commit any overt act or crime against the United States government, unless it was the foolish affidavit aforementioned regarding the flithy condition of the house, and a code of four or five words which the said Lieut. Spaulding gave to your petitioner, also giving copies to his three sisters, to inform them as to which port he would be sent, and which provided that if he could see her, in whichever port he was sent, that he would said the aword "lovingty." This was an act of indiscretion on the part of said Lieut, J. W. Spaulding. That she accepted it innocently. That she did not know and had not thought about the strict military regulation, and she knew that what was given her was simply prompted by the desire of the said Lieut, J. W. Spaulding to bid her goodbye before he left, and for no other purpose. showing any overt act or attempt to con

Extensive Travel.

Extensive Travel.

That your petitioner had travoled extensively and had met people in high official positions during her travels. That this also seemed to be taken as a suspicious circumstance, although she free, y and voluntarily gave all the information in regard to the same.

A letter from her son Bedford to your potitioner, in which he explains that it would mean several years' penal servitude to the person sending her what she wished, was explained by your petitioner, although they considered the same as suspicious. The letter referred to was a letter in which she wrote to her son asking him to send her two quarts of liquor to Chattanooga, as she came here not knowing this to be a bone-dry stree. Your petitioner, having an hereditary heart trouble, requires the use of a stimulant. That she had refused to take any other stimulant than liquor, against the advice of physicians and being in a place. other stimulant than liquor, against th advice of physicians, and being in a plac where she was unable to procure the same, she had written her boy askin him to send it to her. The said letter which seems to be looked upon with successpicion, was only in answer to her recurst.

Espionage Act. Your petitioner is informed and be-lieves that the section of the espionage act upon which she is held is as follows: "Whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish or communicate, or strempt to elicit, any information with respect to the move ment, numbers, description, condition or disposition of any of the armed forces, ships, aircraft or war materials of the United States, or with respect to the plans or conduct, or the supposed plans or conduct, of any naval or military opor conduct, of any naval or military op-erations, or with respect to any works or measures undertaken for or connected with, or for the fortification or defense of any place, or any other information relating to the public defense which might be useful to the enemy, shall be pun-ished by death or by imprisonment for not more than thirty years." Section 1016 of the penal statutes, an-notated, your petitioner is informed and

Section 1816 of the penal statutes, annotated, your petitioner is informed and believes, reads as follows:

"Bail may be admitted upon by arrest in criminal cases where the punishment may be death, but in such cases it shall be taken only by the supreme court, or a circuit court, or by a justice of the supreme court, a circuit judge, or a judge of the district court, who shall exercise their discretion therein, laving regard to the nature and circumstances of the offense and of the evidence and to the usages of law."

the usages of law."
Suspicious Circumstances. Your petitioner respectfully shows that all suspicious circumstances against her she has explained, and that all are susceptible of further proof which she will be able to produce at the hearing of her case. Petitioner would show that she is of an extremely nervous temperament; that she has an hereditary heart trouble, and that the configuration in build store. that she has an hereditary heart trouble, and that the confinement in jail is very detrimental to her mind and health. That at the preliminary hearing of her case she offered to give bond, and also offered to pay for guards at her door, if she could be allowed the comforts of a hotel. That all of these requests were refused her. That her boy, Bedford Shope, a lad 16 years of age, has come from New York to aid and comfort his mother, but that she has been refused his company except at times that he was company except at times that he was able to secure the presence of someone representing the government.

company except at times that he was able to secure the presence of someone representing the government.

Petitioner avers that all of her acts and everything that she has had in her possession that was looked upon with suspicion has been sufficiently explained by her, and that all of them are susceptible of other proof, which she will gladly produce at the hearing, but that if all of them were not susceptible of any other proof except her own explanation, that they would not constitute a crime against the government not ballable. The esplonage act as set out above provides punishment of from one day to thirty years, and also provides the punishment of death. That there is no proof in the record to show that your petitioner has committed or attempted to commit any overt act or crime against the government of the United States, but that she is simply held on suspicion of being in a position to commit a crime if she so desired, which intent she stoutly denies.

Your petitioner respectfully represents to your honor that taking the proof for the government in this case, without any explanation whatever from your petitioner, would not justify her being held without bond. And that the mittimus upon which your petitioner is now held does not on its face show a crime against the government; that it does not state facts necessary to put it within the esplonage act.

Premises considered, petitioner prays that your honor grant her a writ of habeas corpus, that the legality of her restraint and the question of bail may be gone into. That your honor grant your petitioner bail pending the hearing.

This is the first time that your petitioner is restraint has been inquired into in proceedings of this kind, and this is the first application for a writ of habeas corpus in this case.

State of Tennessee, Hamilton County:

State of Tennessee, Hamilton County:
Mrs. Iohe W. Zollner, being first duly
sworn, makes oath that the facts stated
in her foregoing petition for a writ of
habeas corpus are true.
Subscribed and sworn is before me this

NAMED CORESPONDENT

J. P. Pendergrass Enters Suit for Divorce From His Wife, Jane Pendergrass.

J. P. Pendergrass has filed divorce proceedings against his wife, Jane Pendergrass, in the circuit court charging the wife not only with desertion, but with unfaithfulness. The bill names John McQuerry as co-respondent. The divorce proceedings state that the plaintiff and defendant were married twelve months ago, and after some time the defendant went husband came to the door and refused to alow him to enter, saying "there was nothing doing."

child has been treated cruelly by its stepmother and was allowed to be beaten by a boy 15 years old in the stepmother's presence. The bill fur-ther charges that the defendant has two children, whose father he does two children, whose father he does not know and whom his wife was not married to. The husband asks for an absolute divorce from the defendant. The bill was filed through John K. The bill was filed through John Randolph.

## **BOATS TIED UP** ON TENNESSEE

Frozen Over—Miles of Ice
Above and Below the City.

the soldiers for little more than the price of the movies. The tickets will be from 10 to 25 cents. Books of tickets will be sold for the convenience of the soldiers.

Gen. McIver at Jackson. Above and Below the City. **Business Awaits.** 

The Tennessee river is now frozen over from bank to bank and operation of boats by the Chattanooga Packet company has been tempo; arly sus-

The Tennessee river is practically a lake for twenty miles below Chattanooga and a number of miles above the dam, and the current is very slug-

The steamer J. N. Trigg, which was way landings, is tied up at the local wharf, but is being loaded, and it is will have so far moderated as to al-hoped that by Thursday the weather

low her departure.

The Joe Wheeler, due here Monday afternoon, was caught in the ice about ninety miles from Chattanooga, in the vicinity of Decatur. Tuesday afternoon the steamer had only reached a point near Dayton, and may arrive in Chattanooga some time during the afternoon. The Wheeler has a cargo of 2,000 sacks of corn and a large amount of hay, wheat and other grains

### DR. MORGAN PLACED ON \$1,800 SALARY

Auto Owners Must Not Store Cars Over Night in Business Buildings.

Commissioner H. D. Huffaker Introduced two amendments to previous ordinances at commissione : meeting Tuesday, the first making the salary of the dairy inspector on a straight basis of \$1,800 a year and the other providing that no charge be made for tubercular tests of dairy The original ordinance proherJs. The original ordinance pro-vided that a stipulated fee be charged "squirrel" whisky of the most dangerfor each test made by the inspector, ous type, Dr. W. F. Morgan, and that he draw a salary of \$1,800 a year if these fee amounted to this sum; on the other hand, his salary to be what they amounted to. This has been insufficient so far for the payment of the amount named, and the result has been that Dr. Morgan tendered resignation. It is believed that according to this arrangement the doc-tor will reconsider his action and continue to act as official dairy inspector

for the city. Commissioner T. C. Betterion called the attention of the commissioners to the fact that a number of the local automobile owners recently had cultivated the habit of rolling their ma ness houses and store their machines there overnight. He said that this was a violation of the city ordinance referring to the storage of gasoline and that the police were to be notified to make a thorough investigation of this, and, if necessary, to make cases out of such incidents.

### HEALTH INSPECTOR URGES CO-OPERATION

W. C. Roberson, state food and drug inspector for the eastern district of Tennersce, says that the state law covers all violations of the sanitary laws set out by the officers of the United States public health service and that every attempt is being made to enforce them, Mr. Roberson is under State Commissioner Harry L. Es-kew, and has made his headquarters in Chattanooga for the last six months. He has had instructions from Commissioner Eskew to enforce the laws rigidly and not to issue orders unless they could be enforced by pen-alties or injunction. Inspector Roberson said that he has

made a diligent attempt to enforce all of the sanitary laws since he has been in office here and that on account of the presence of soldiers in the com munity he has made a special effort to keep the city clean. He agreed with the officers that some steps should be taken to remedy the conditions and said that he was doing everything in his power to co-operate with the gov ernment officers. He deplored the fact that the city sanitary board did not receive enough money to carry out very necessary operations. A large number of physicians believe that the the officers, not only on account of the soldiers, but for the safety of resi-

dents of the city.

Mayor Behind Move.

Mayor Jesse M. Littleton has said that the city authorities are going to co-operate with the government medical corps as much as is possible. Steps will be taken by the city governmen to see that several changes recom-mended are made. Just what the line of action will be is not known, but plans for the work will be made at once.

## DAUGHTER OF FOOD INSPECTOR SERIOUSLY ILL

Virginia Roberson, daughter of Mr. and Mrs. W. C. Roberson, underwent a serious operation at the Newell sanitarium Wednesday morning. She was reported at noon as doing well. Mr. Roberson is a state food and drug in fan. I. 1918. ELLIOT BUCHANAN,
Roberson is a state food and drug inC. C. Abernathy, Attorney for Petispector under Commissioner Harry L.

## IN DIVORCE CASE GOOD SHOWS FOR **BOYS AT PARK**

Government Planning for Their Entertainment-Much Liquor Found.

The military entertainment council her mother's home, and when the is making preparations to supply sband called for her, her mother troops in training camps and cantonments with some of the best attractions shown in this country. James F. Plaintiff claims that by another Finlay, of Chattanooga, a member of marriage he has a child and that this the entertainment council, has returned from a conference with Secretary of War Baker and other members of the council at Washington, Mr. Finlay states that the new "lib.

purpose in warm weather.

Broadway successes, high-class vaudeville, lectures and amateur performances are to be shown. The solutions will be successed.

diers will be encouraged to get up their own performances with amateur talent from among their number. Through the co-operation of the professional people, the best attractions in the country will be shown to

Brig.-Gen. George W. McIver has been in command of the Eighty-first division at Camp Jackson, Columbia, S. C., since Brig.-Gen, Charles H. Barth came to Chickamauga park in command of the Thirteenth brigade, Gen, Barth was one of the first officers of high rank assigned camp at Columbia, and arrived there before the drafted men began to put in their appearance. For the greater part of that time he has been in command of the division.

With a membership of approximately 600 candidates for commissions, the officers' training school at Camp Gordon will open on Jan, 5 for a pe-riod of between two and three months' training for the enlisted men who have recently been chosen as student officers.

A number of students from eastern and southern colleges have also been accepted for membership, but it is stated that these men will only a very small per cent. of camp. A company of artillery and one of infantry from the One Hundred and Fifty-seven depot brigade will be detailed to provide commands for the

future offic Destroy Liquor. Enough liquor has been captured by the provost marshal's men at Chickamauga park to supply the base hos-pital with stimulant for the sick and convalescent. But the contraband liquid is not used for that purpose. It is destroyed without delay.

Lieut. J. S. Coleman, who has been in command of the melitary police at

park during the ten days' leave of Capt. R. Potter Campbell, has been very active in his campaign against those who were inclined to convey Christmas packages into the military reservation. He says though, that but little of the whisky taken from violators of this regulation would be suitable for medicinal purposes Samples of the confiscated spirits recently examined at military police the headquarters show that the fluid is headquarters show that the fluid is largely homemade. It is all new and the effects shown upon the men from the effects show that it is

One of the military police "b squad was shown a report that the army had taken charge of 650 gallons of whisky recently confiscated by the military police at Omaha, and that the war department had decided to make use of the liquor at the hospital at Fort Brook.

"If the war department decides the moonshine we are getting hold of here to the patients at the hospital, it will take all the soldiers in Chickamauga park to keep the sick men from climbing trees," said the

SEVEN GOVERNMENT PRISONERS IN JAIL

Sheriff Nick Bush Completes Report and Forwards Same to Washington.

Sheriff N. P. Bush has finished his quarterly report for the government and it will be forwarded at once. The report shows that there are now sever government prisoners in the Hamilton county jail, all of whom are be-ing held on petit charges with the exception of Baroness Ione Zollner, who is held without bond charged with espionage. Another famcus prisoner who has been confined in the laid oner who has been confined in the laid during the last quarter was Walt H. Blevins, who was confined here the Sept. 29 on charges of murder and Sept. 29 on charges of murder and postoffice robbery. However, the gov-ernment allowed the civil authorities to have claim on the prisoner to Blevins was taken out west, where was wanted for murder. He was charged with killing an officer who

was attempting to arrest him.

The sherid's report shows that at the beginning of this quarter there were on hand six government prisoners and during the month there have been thirty prisoners held for ...e gov-ernment. Twenty-three of these pris-oners were discharged, leaving now in the jail, on charges of some government violation, seven prisoners.

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